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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,996	08/06/2001	Toyomi Shiba	107348-00137	6896

4372 7590 10/16/2003

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,996

Applicant(s)

SHIBA, TOYOMI

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the RCE and amendment filed 08-07-2003, which has been entered. Claims 1-12 are currently pending.

Request for Continued Examination

1. The request filed on 08-07-2003 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/921,996 is acceptable and a RCE has been established. An action on the RCE follows

Specification

2. The disclosure is objected to because of the following informalities: In page 11, it is not clear how the clearance is formed between the resilient member and the outer peripheral surface of the ring assemblies. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3-10 and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide any description as to how the clearance is obtained. It appears that the resilient member is suspended in a space between the outer peripheral surface of the metal rings and the edge of the slot. It would not have been enabling for one of ordinary skill in the art to

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provide a clearance between the ring and the edge of the slot without providing supports for the resilient member. In addition, it would not be obvious to make the inner peripheral surface innermost resilient members set larger than the radially outer peripheral surface of the outermost ring of each of the pair of metal ring assemblies, without producing the clearance therebetween.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al. ('880). Sekine et al. discloses a metallic belt for a CVT, the belt comprising a metal ring assembly formed of a plurality of endless metal rings (15) laminated one on another, a large number of metal elements (20) each having a ring slot into which the metal ring assembly is fitted, an endless resilient member (30, the retainer) which is deformable radially is disposed between a radially outer edge of the metal ring slot in the metal element and a radially outer peripheral surface of the metal ring assembly (15). It is apparent that the peripheral length of the radially inner surface is longer than the radially outer peripheral surface of the metal ring assembly.

Claim Rejections - 35 USC § 103


7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lecouturier et al.('879) in view of Sekine et al.('880). Lecouturier et al. discloses a belt for a CVT entrained around drive and driven pulleys (5, 6); the belt comprising a pair of ring assemblies (fig. 4d) fitted into a pair of slots (4) of a plurality of metal elements (3). Lecouturier et al. does not disclose the metal ring comprises a plurality of endless metal with an endless resilient member which is deformable radially is disposed between the radially outer edge of the slot and the outer surface of the metal ring assemblies. Sekine et al. discloses a belt for a CVT comprising a plurality of endless metal ring assemblies (31) fitted in the of slots of a plurality of metal elements (20) and an endless resilient member (30) which is radially deformable is disposed between the outer peripheral surface of the metal rings and the radially outer edge of the ring slot in order to allow for easy removal and installation of the endless metal elements during maintenance of the belt, to provide sufficient mechanical strength and durable and increase the load capacity of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Lecouturier et al. so as to replace the endless elastomeric rings with metal rings and a resilient member in view of Sekine et al. in order to allow for easy removal and installation of the endless metal elements during maintenance of the belt, to provide sufficient mechanical strength and durable and increase the load capacity of the belt.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
October 15, 2003